

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

No. 14-4650  
(3:13-cr-00558-TLW)

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MOTION FOR LEAVE TO FILE  
OVERSIZED JOINT APPENDIX

LELAND VICTOR NIELSEN III,

Defendant-Appellant.

COMES NOW the Appellant Leland Victor Nielsen III, by counsel, and moves this Honorable Court for permission to file an oversized appendix. In support of this motion, the Appellant states as follows:

The joint appendix is oversized because Appellant's appellate issues concern a motion to suppress as well as an issue regarding whether the indictment was multiplicitous which was not apparent until the jury was charged, after three days of trial. Accordingly, it is necessary to include the transcript from the pre-trial hearing as well as the trial transcript.

The joint appendix is 860 pages, including covers and tables, which exceeds the limit under the rules by 360 pages. However, it includes only material essential to the Court's evaluation of the issues.

The undersigned has been unable to reach counsel for the government about this motion; however, counsel for the government previously indicated his consent to the contents of the joint appendix.

Therefore, for the reasons stated above, the Appellant moves this Honorable Court to grant its motion for leave to file an oversized joint appendix.

Dated this 8th day of January, 2015.

s/C. Fredric Marcinak

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*Leland Victor Nielsen III*

**CERTIFICATE OF FILING AND SERVICE**

The undersigned counsel for Leland Victor Nielsen III hereby certifies that a copy of the foregoing Motion for Extension of Time was filed on the 8th day of January, 2015, with the Fourth Circuit Court of Appeals using the CM/ECF system and that electronic service will be made as follows:

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Assistant U.S. Attorney  
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